



# Public Service Commission

## State of North Dakota

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November 8, 2011

Mr. Donn Steffen  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523

Dear Mr. Steffen:

The Reclamation Division has completed a technical review of Final Bond Release Application No. 1 to Surface Mining Permit NACT-9501. The following items will need to be addressed prior to this office recommending Commission action.

#### **Attachment VI – Post-Mining Contour and Revegetation Map**

1. Please provide the legal descriptions (section, township, range) and legal boundaries on Attachment VI. (GAW)

#### **Attachment VII – General Information**

2. The last sentence in Attachment VII states that no public roads were significantly disturbed or altered due to mining activities. However, the annual mine maps shows that portions of two section line roads or trails were impacted. Please clarify what is meant by “not significantly disturbed”. Performance standards apply to those portions of the right-of-ways that were disturbed. (GAW)

#### **Attachment VIIIa – Vegetation Management and Production**

3. The Management section of Attachment VIIIa states that the reclaimed tract was mowed in 2011. Based on our field inspection of the property it appears that it was not mowed in 2011. Please correct as necessary. (GAW)
4. Please include summary data in Attachment VIIIa that shows the reclaimed yield compared to the standard. (GAW)
5. Please include information documenting that the reclaimed land and the control or reference areas were managed similarly during the revegetation responsibility period. (GAW)

#### **Attachment VIIIb – Hayland Productivity Standards**

6. The unadjusted hay yield standard is listed as being 1.3 tons/acre. However, the CVSS contains only a cropland standard for this tract and it lists the soils of the disturbed area as being 1.1 acres of Williams (mapping unit 13B), which has a median hayland yield of 1.5 tons per acre. Please

provide the hayland standard that will be included in the CVSS based on the correct disturbance acreage (2.3) and show how the unadjusted yield standard of 1.3 tons per acre was calculated. (GAW)

7. The unadjusted yield standard for the control area is listed as being 1.2 tons per acre. However, Section B-7 of the CVSS indicates that the control areas expected yield is 0.786 tons per acre. This value was calculated using several soil mapping units totaling 1.0 acres of land but the Commission conditionally approved this control area on June 4, 2008 and limited the control area to the Williams soil mapping unit only. A direct comparison can be made between the reclaimed land and the control (reference) area if only Williams soils were used in the control area. Please review and provide the information necessary to evaluate the values being used to demonstrate revegetation success. (GAW)
8. The 2008 climatic correction factor was calculated using an actual yield of 0.59 tons/acre but the sampling data shows that the site yielded 0.698 tons/acre. Please make the necessary corrections. (GAW)

#### **Attachment VIIIc – Control Area and Reclaimed Hayland Productivity Data**

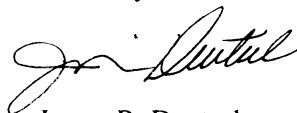
9. Identical 2008 productivity sampling data is included for the control area, Attachment VIIIc, and the reclaimed land, Attachment VIIIc-1. Please correct as this seems highly unlikely. (GAW)
10. Please include the name(s) of the person(s) who collected the sampling data that is being used to demonstrate revegetation success. (GAW)
11. Please use n-1 degrees of freedom when calculating sample adequacy for yield data being used to demonstrate revegetation success. (GAW)

#### **Attachment VIIIc-3 – Vegetation Sampling Location Map**

12. Please show the location of the control/reference area being used to demonstrate revegetation success and depict where samples were taken in 2008 and 2011. Please also include the soil mapping units of the control/reference area. GPS locations of the sampling points should be included if available. (GAW)
13. Please include legal description (section numbers, township, range) and legal boundaries on Attachment VIIIc-3. (GAW)

Revision No. 13 to Permit NACT-0401 should be updated and approved prior to approval of this bond release application since the hayland standard for the Bond Release No. 1 tract is being added to the CVSS with Revision 13. If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division